



TOWN OF TRURO
Conservation Commission
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Minutes of Public Meeting

April 19, 2016

6:00 P.M., Selectmen's Meeting Room

Members Present: Vice-Chair Deborah McCutcheon, Commissioners Diane Messinger, Jim Bisceglia, Larry Lown, Linda Noons-Rose and Henry Lum

Others Present: Emily Beebe-Assistant Health/Conservation Agent

At 6 PM the Vice-Chair opened the public hearings and announced the list of hearings to be continued at the request of the applicants:

1 Merryfield Path, Notice of Intent, Steven Corkin, SE# 75-0982

618 Shore Road, Notice of Intent, Lexvest East Harbour LLC, SE# 75-0977

7 Knowles Heights Road, Notice of Intent, Judith Bettua, SE# 75-0980

1 Bluff Terrace, Notice of Intent, 1 Bluff Terrace LLC, SE# 75-0978

6 Nilson Rd, Request for Determination of Applicability, Charlotte Guertin, owner:

Proposed vista pruning in buffer zone to Inland Bank. Christopher Lucy represented the applicant who seeks permission for vista pruning. In the past the brush has been cut and dropped. The Agent suggested removal of the cut brush allows the understory plants to receive sunlight. **Motion to find a Negative 3 Determination that the work is in the buffer zone, but will not be detrimental to an area subject to protection under the Act. Motion by Lown; seconded by Messinger. The motion was approved 5-0-1 with Noons-Rose abstaining.**

432 Shore Rd Unit 5, Request for Determination of Applicability, David Laurie,

owner: Commissioner Noons-Rose recused herself. The proposal seeks approval to make structural improvements to a house in the flood plain and the Barrier Beach. Paul Colburn represented the owner, as the builder of the project. The cottage has rotten sills that need repair. The area directly under the building needs to be dug out, by-hand with shovels; no heavy equipment will be used; hydraulic jacks and beams will be used to hold the structure and replace the timbers. Excess sand will be trucked off-site. The Agent stated that she considered an RDA an acceptable filing because the limit of the work was contained under the house, and that no heavy equipment would be used. The project has a very short time frame. **Motion to find a Negative 2 Determination that the work is in the resource area, but will not be detrimental to said area. Motion by Lown; seconded by Bisceglia. The motion was approved 5-0-1.**

7 Yacht Club Rd, Request for Determination of Applicability, Pamet Harbor Yacht Club:

Vice-chair McCutcheon disclosed that she is a member of PHYC, but did not feel she needed to recuse herself. There were no objections. The proposal includes removal of 12-15 dead pitch pines, and replanting. Mark Wisotzky was present to discuss the matter on behalf of the PHYC. The trees pose a hazard due to falling limbs, and no longer offer a windbreak. Re-planting is proposed to help with erosion and to act as a windscreen for the tennis courts. Options for planting include Eastern red cedar, Bearberry and other native plants. **Motion to find a Negative 2 Determination that the work is in the resource area, but will not be detrimental to said area. Motion by Bisceglia; seconded by Noons-Rose. The motion was approved unanimously.**

428 Shore Rd, Request for Determination of Applicability, Jennifer Chisholm,

owner: The project includes replacing beach stairs that washed away. Commissioner Noons-Rose recused herself from the matter. Jon Ziperman represented the owners, stating the stairs would be replaced in kind, but will be built stronger and will be removable. He stated further that the stairs would be removed each fall season. No heavy equipment will be needed and access will be from the property. There will be some digging by shovel to bury three treads and to place the posts. **Motion to find a Negative 2 Determination that the work is in the resource area, but will not be detrimental to said area. Motion by Lown; seconded by Lum. The motion was approved unanimously.**

8 Castle Rd, Request to Amend Order of Conditions, Louise Briggs, owner SE# 75-0841:

Approval for building a habitable studio was granted in 2012 and an Order of Conditions was issued; revisions include changes to the shape and configuration of the studio and driveway. David Lajoie and the owner were present to answer questions. The studio will connect to the existing septic system; the driveway will turn off the existing driveway. The size of the studio has increased and additional native plantings have been shown on the site plan. The studio has been moved further from the top of the Coastal Bank and the Salt marsh and is in the outside of the buffer zone to each; the entire project is within Riverfront area. The applicant stated that there is a chance of future revisions to the planting plan in case chosen plantings do not survive. The Conservation Agent suggested that native plants should survive as long as there is temporary irrigation in place for the first 2-3 years. **Motion to approve the Amended Order of Conditions to include the new plan dated March 26, 2016 with the additional condition that the applicant returns to the Commission with any planting plan changes. Motion by Messinger; second by Noons-Rose. The motion was approved unanimously.**

2 Corn Hill Path, Notice of Intent, Kristina & David Daglio, owners, SE# 75-0983:

An RDA was previously approved for a deck enlargement and construction began in the fall. Art Hultin was present on behalf of the owners. Site work inadvertently resulted in removal of plantings in the buffer zone and the applicants were asked to submit an NOI with a planting plan. A revised site plan was submitted and shows minor changes to the deck and retaining wall; a full planting plan; and a new set of stairs over the retaining wall to decrease the path length. The area will be planted with native upland species to match what is there. **Motion to approve the Notice of Intent as submitted. Motion by Bisceglia; seconded by Lum. The motion was approved unanimously.**

214 and 216 Shore Rd (off Beach Point Landing), Notice of Intent, Daniel Smith, SE# 75-0966:

This matter was continued from its original hearing in November and most recently, March 7, 2016. The proposal includes establishing an aquaculture grant. Mr. Smith was asked to sign a waiver of participation for the Commission's new member Henry Lum; Mr. Lum was not present for the initial presentation in November; Mr. Smith said he did not mind Mr. Lum taking part in this hearing and he signed a waiver saying such.

Daniel Smith presented his project to the Commission, recapping the process he has undergone since September: applications were submitted to the Board of Selectmen; Conservation Commission; DEP (Boston and Southeast); DMF; the Army Corp of Engineers and NHESP. Approval by these agencies is required for the project to take place. The area proposed for the grant is owned by the Town of Truro. Mr. Smith stated that the BOS unanimously supported his application and issued an aquaculture license; the license is valid for two years, after which they can issue a five year license if inclined. He stated that the Division of Marine Fisheries completed a biological survey of the site and did not find any eelgrass or shellfish and will issue a letter of approval. Mr. Smith plans to raise little necks and oysters in a combination of bottom and floating cages. The cages will be secured to "helical anchors" which screw into the sand. Two anchors are required per anchor line with approximately 10-12 lines being used in total when the project is fully established. He stated that the exact amount of floating cages is unknown and depends on how the grant does and what works best. Access will be made by skiff or by foot, depending on the tide, and will utilize the public landing or beach access road. The only vehicle access will be for dropping off equipment and picking up harvested shellfish. The corners of the grant are marked by yellow buoys and the floating cages will also have markers on them. There will be no alteration to the land other than the installation of the anchors. Equipment will be placed 225 ft. from mean low water. Concerns were raised over an increase of bird fecal matter in the water, but Mr. Smith believes that the constant tidal flushing will maintain good water quality and possibly improve it. Concerns were also raised over equipment winding up on the beach. Mr. Smith stated he will be diligent about collecting gear that breaks free due to the high cost of equipment. He is required to post a \$10,000 bond per acre that the town can use for cleanup if the grant were to be abandoned for some reason. He would like to work directly with abutters regarding their concerns so that he can resolve them quickly.

Public Comment:

Jim Rodricks, an abutter from 190 Shore Rd stated that the proposal will negatively impact his business. His concerns include the visual impact, due to the size of the grant and the amount of equipment floating on the water; the impact to the public swimming due to the proximity of the equipment to the public beach. He expressed concern that this area may continue to be developed by grant after grant.

Mr. Smith responded saying that DMF regulations would not permit grants to continue popping up due to the type of bottom area- if any eelgrass or shellfish is present in the area an application will automatically be denied.

Commissioner Noons-Rose stated her concern that Truro only has 3 public beaches and their quality should be kept intact. The Vice Chair responded that the public nature of the property, although important, is not the concern of the Conservation Commission.

However, they are issues for the Board of Selectmen and they have already heard them. The Commission needs to focus on the interests of the Wetlands Protection Act. Dana Pazolt at 655 Shore Rd reported that he has had no complaints in regard to his grant.

Al Silva, the abutter at 218 Shore Rd told the Commission he has no objections to this project, and his concern about limiting motor vehicle activity from May 1-October 1 can be addressed with a condition. He has asked Mr. Smith to develop a brochure about the project for hotel guests in the area. Mr. Smith stated that he may use a vehicle from time to time in order to transport equipment, but not on a regular basis.

Motion to continue until the May 2, 2016 meeting in order to draft an Order of Conditions. Motion by McCutcheon; seconded by Bisceglia. The motion was approved unanimously. A draft Order of Conditions will be developed by the agent, and a copy will be sent to the applicant and to the abutters at this meeting.

1 Mill Pond Road, Thomas Littauer and Rich Littauer, Review of Enforcement Options: The storage units have been removed. Non-criminal violation citations were issued daily for non-compliance, and totaled \$500. Thomas Littauer asked the Commission to waive the fees and proposed placing timbers at the mouth of the cleared area to restrict future vehicle access. Commissioner Bisceglia stated they should not waive the fines. The Commission decided to impose a partial fine and require restriction to the area. **Motion to impose a fine of \$100 and to require the installation of split rail fence (or something comparable) in order to restrict vehicle access. The motion was made by Bisceglia and seconded by Lown. The motion was approved unanimously.**

31 Mill Pond Rd, Martha Ingram, trustee; Review of Enforcement: The Commission considered an extension request for removal of the storage pods by May 2. **Motion to approve the extension to May 2, 2016 and to impose fines if they are not in compliance. Motion by McCutcheon; seconded by Messinger. The motion was approved unanimously.** There will be a site visit conducted on May 2nd to review compliance and evaluate if restoration should be required in the parking area.

218 Shore Rd, Administrative Review, Al Silva, owner: There was brief discussion about the proposal for placement of sand nourishment. **Motion to approve sand nourishment. Motion by Lown; seconded by Noons-Rose. The motion was approved unanimously.**

706 Shore Road, Maria Kuliopulos, owner, Change in Plans, SE# 75-0967: The plans for the project reflect several minor changes due to requests from other review boards. Changes include: shift in handicap parking arrangement; additional walkway to the pool; and a new planting plan. Two species should be removed from planting plan because they are not native. **Motion to approve the plans dated November 29, 2015. Motion by Lown; seconded by Messinger. The motion was approved unanimously.** The Agent will work with Mrs. Kuliopulos regarding the planting plan.

6 Pond Road, Administrative Review, Josiah Mayo, applicant: McCutcheon recused herself. The application includes mowing, removal of a storm damaged locust tree; burning cut brush and flush cutting invasive species. No disturbance to the ground will occur. **Motion to approve the Administrative Review. Motion by Lown; seconded by Messinger. The motion was approved 5-0-1.**

27 South Pamet Road, Request for Certificate of Compliance, John & Joan Gray, owners, SE#75-0957: A project report was submitted by Adrian Punch; the agent viewed the property and found it in compliance. An ongoing condition will allow continued maintenance to prevent re-establishment of invasive species **Motion to approve the Certificate of Compliance with the ongoing condition that they are allowed to remove invasive species on an annual basis. Motion by McCutcheon; seconded by Bisceglia. The motion was approved unanimously.**

1 Merryfield Path, Request for Certificate of Compliance, Steven Corkin, owner, SE# 75-0905 and SE# 75-0936: Projects include beach stairs and construction of house. A NOI has been filed for the planting plan. **Motion to approve both Certificates of Compliance. Motion by Bisceglia; seconded by Noons-Rose. The motion was approved unanimously.**

Approval of Minutes

Motion to approve the February minutes. Motion by Messinger; seconded by Bisceglia. The motion was approved 4-0-2 with Lum and McCutcheon abstaining.

Motion to approve the March minutes. Motion by Bisceglia; seconded by McCutcheon. The motion was approved 5-0-1 with Lum abstaining.

**Motion to adjourn by Lown; seconded by Bisceglia.
The motion was approved unanimously. The meeting adjourned at 8:00 p.m.**

Site Visit Minutes

April 4, 2106

1:15 p.m. Met at Cobb Library parking lot

Members Present: Deborah McCutcheon, Diane Messinger, Jim Bisceglia, Larry Lown, Linda Noons-Rose and Henry Lum

Others Present: Emily Beebe, Conservation Agent; Nicole Smith, Secretary

Weather: Snowy

6 Nilson Rd: The Commission viewed the tagged vegetation to be pruned. The understory is doing well and may benefit from the sunlight they will gain.

8 Castle Rd: The Commission viewed the new location of the studio and driveway, which is further away from the resource area. The property was staked.

7 Yacht Club Rd: The Commission viewed the tagged trees to be removed.

2 Corn Hill Path: The Commission viewed the area that is lacking vegetation that needs to be planted.

1 Merryfield Path: The Commission viewed the areas that need to be vegetated.

428 Shore Rd: The Commission viewed the beach stairs that need to be replaced.

Site visits concluded at 3:00 p.m.

Respectfully submitted,

Nicole Smith, Secretary